

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Christian Television Corporation	)	
	)	
v.	)	CSR-5746-M
	)	
EchoStar Satellite Corporation	)	
	)	
Request for Mandatory Carriage of	)	
Television Station WCLF-TV,	)	
Clearwater, FL	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: January 28, 2002**

**Released: January 31, 2002**

By the Deputy Chief, Cable Services Bureau:

**I. INTRODUCTION**

1. Christian Television Corporation (“CTC”), licensee of commercial television station WCLF-TV, Channel 22, Clearwater, FL (“WCLF” or the “station”) filed the above-captioned must carry complaint against EchoStar Satellite Corporation (“EchoStar”), pursuant to Section 338 of the Communications Act of 1934, as amended (the “Act”), and Section 76.66 of the Commission’s rules<sup>1</sup> for its refusal to carry the signal of WCLF on its satellite system.<sup>2</sup> WCLF states that EchoStar is providing “local-into-local” satellite service pursuant to the statutory copyright license in the Tampa-St. Petersburg-Sarasota, FL market, which is the designated market area (“DMA”) where station WCLF operates.<sup>3</sup> In its complaint, WCLF alleges that EchoStar has failed to meet its must carry obligations under the Commission’s satellite broadcast signal carriage rules. WCLF requests that the Commission order EchoStar to carry the station’s signal on EchoStar’s satellite system. EchoStar filed an opposition to the complaint and CTC filed a reply.<sup>4</sup> For the reasons set forth below, we grant in part and deny in part

<sup>1</sup> 47 C.F.R. § 76.66. We note that on December 7, 2001, the U.S. Court of Appeals for the Fourth Circuit unanimously upheld the constitutionality of Section 338 of the Act, and Section 76.66 of the Commission’s rules. *See SBCA v. FCC*, Nos. 01-1151, 01-1271, 01-1272 and 01-1818, 2001 WL 1557809 (4<sup>th</sup> Cir. Dec. 7, 2001).

<sup>2</sup> Cable Special Relief and Show Cause Petitions, Report No. 0015 (Oct. 5, 2001).

<sup>3</sup> *See* 17 U.S.C. § 122(a); 47 U.S.C. § 339. A satellite carrier provides “local-into-local” satellite service when it retransmits a local television signal back into the local market of that television station for reception by subscribers. 47 C.F.R. § 76.66(a)(6).

<sup>4</sup> Under Section 76.66(m)(3) of the Commission’s rules, a local television broadcast station that disputes a response by a satellite carrier that it is in compliance with its must carry obligations may obtain review of such denial or response by filing a “complaint” with the Commission in accordance with Section 76.7. 47 C.F.R. § 76.66(m)(3). Although styled a “complaint,” a carriage complaint filed against a satellite carrier is treated by the Commission as a petition for special relief for purposes of the Commission’s pleading requirements. *See 1998 Biennial Regulatory Review: Part 76 – Cable Television Service Pleading and Complaint Rules*, 14 FCC Rcd 418 (continued....)

WCLF's complaint.

## II. BACKGROUND

2. Section 338 of the Act, adopted as part of the Satellite Home Viewer Improvement Act of 1999 ("SHVIA"),<sup>5</sup> requires satellite carriers, by January 1, 2002, to carry on request all local television broadcast stations' signals in local markets in which the satellite carrier carries at least one local television broadcast signal pursuant to the statutory copyright license.<sup>6</sup> For the initial election cycle, broadcast stations were required to notify satellite carriers by July 1, 2001, of their mandatory carriage election for carriage to commence by January 1, 2002.<sup>7</sup> A station's market for satellite carriage purposes is its DMA, as defined by Nielsen Media Research.<sup>8</sup> In November 2000, the Commission adopted rules to implement the provisions contained in Section 338.<sup>9</sup>

3. Under the Commission's broadcast signal carriage rules, each satellite carrier providing local-into-local service pursuant to the statutory copyright license is generally obligated to carry any qualified local television station in the particular DMA that made a timely election for mandatory carriage, unless the station's programming is duplicative of the programming of another station carried by the carrier in the DMA.<sup>10</sup> One television station's programming is generally considered duplicative of

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(...continued from previous page)

(1999). Responsive pleadings filed in this context, therefore, must comply with the requirements set forth in Section 76.7(b)(1).

<sup>5</sup> See Pub. L. No. 106-113, 113 Stat. 1501, 1501A-526 to 1501A-545 (Nov. 29, 1999).

<sup>6</sup> See 47 U.S.C. § 338.

<sup>7</sup> See 47 C.F.R. § 76.66(c)(3); see also 76.66(c)(4) ("Except as provided for in paragraphs 76.66(d)(2) and (3), local commercial television broadcast stations shall make their retransmission consent-mandatory carriage election by October 1<sup>st</sup> of the year preceding the new cycle for all election cycles after the first election cycle.").

<sup>8</sup> A DMA is a geographic area that describes each television market exclusive of others, based on measured viewing patterns. See 17 U.S.C. § 122(j)(2)(A)-(C); see also *Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues; Retransmission Consent Issues*, 16 FCC Rcd 1918, 1934 (2000) ("DBS Must Carry Report & Order"); 47 C.F.R. § 76.66(e) ("A local market in the case of both commercial and noncommercial television stations is the designated market area in which a station is located, and (i) in the case of a commercial television broadcast station, all commercial television broadcast stations licensed to a community within the same designated market area within the same local market; and (ii) in the case of a noncommercial educational television broadcast station, the market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.").

<sup>9</sup> See generally *DBS Must Carry Report & Order*, 16 FCC Rcd at 1918 *et seq.* The Commission later affirmed and clarified its carriage rules. See *Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues*, 16 FCC Rcd 16544 (2001) ("DBS Must Carry Reconsideration Order").

<sup>10</sup> See 47 C.F.R. § 76.66. Commercial television stations are required to choose between retransmission consent and mandatory carriage by July 1, 2001; NCE stations, on the other hand, must simply request carriage. The first retransmission consent-mandatory carriage election cycle is for a four-year period commencing on January 1, 2002 and ending December 31, 2005. 47 C.F.R. § 76.66(c)(1). To facilitate the carriage process, satellite carriers are required to respond to a television station's carriage request within 30 days, and state whether they accept or deny the carriage request. Those stations licensed to provide over-the-air service for the first time on or after July 1, 2001 are considered new television broadcast stations for satellite carriage purposes. See *DBS Must Carry Report and Order*, 16 FCC Rcd at 1933. A new television station is required to make its initial election between 60 days before commencing broadcast and 30 days after commencing broadcast. Assuming the station meets all of the requirements under Section 338 and the Commission's rules, the satellite carrier shall commence carriage within 90 days of receiving a carriage request from the television broadcast station or whenever the new television station provides over-the-air service. See *id.*; 47 C.F.R. § 76.66(d)(3).

another station's if both stations simultaneously broadcast identical programming for more than 50% of the broadcast week.<sup>11</sup> If the stations' programming is duplicative, the satellite carrier may choose which duplicating signal it will carry.<sup>12</sup> Furthermore, under the SHVIA, a television station asserting its right to carriage is required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier or to another facility that is acceptable to at least one-half the stations asserting the right to carriage in the local market.<sup>13</sup> To be considered a good quality signal for satellite carriage purposes, a television station must deliver to the local receive facility of a satellite carrier either a signal level of -45dBm for UHF signals or -49dBm for VHF signals at the input terminals of the signal processing equipment.<sup>14</sup>

4. Whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under Section 338 of the Act or our implementing regulations, such station shall first notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier has failed to comply with its obligations.<sup>15</sup> Within 30 days after such written notification, the satellite carrier must respond in writing and comply with its obligations or state its reasons for believing that it is already doing so.<sup>16</sup> The Commission does not require satellite carriers to conduct tests or present specific measurements to broadcasters in response to requests for mandatory carriage. At the same time, however, the satellite carrier is required to have a reasonable, good-faith basis for denying carriage and is obliged to convey that information to the broadcast station affected. As the Commission stated: "It is not consistent with the SHVIA or our rules to attempt to place the burden on the broadcast station to prove why it is entitled to carriage in the absence of a legitimate reason for questioning its eligibility."<sup>17</sup> Specifically with respect to disputes over signal quality, a station should not be rejected for carriage unless, based on a knowledge of the facts and circumstances involved, there are engineering reasons for doubting that a good quality signal is likely to be available.<sup>18</sup> Should a station fail to provide the required over-the-air signal quality to a satellite carrier's receive facility, it still may obtain carriage rights if "the station responds with a promise to provide or pay to provide a good quality signal in the future."<sup>19</sup>

5. If Commission action is needed, as WCLF alleges here, a broadcast station may file a complaint with the Commission within 60 days after the satellite carrier submits a final rejection of the

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<sup>11</sup> See 47 C.F.R. § 76.66(h)(1) ("A satellite carrier shall not be required to carry upon request the signal of any local television broadcast station that substantially duplicates the signal of another local television broadcast station which is secondarily transmitted by the satellite carrier within the same local market, or the signals of more than one local commercial television broadcast station in a single local market that is affiliated with a particular television network unless such stations are licensed to communities in different States.")

<sup>12</sup> See 47 U.S.C. § 338(b)(1). See also 47 C.F.R. § 76.66(h); *DBS Must Carry Report & Order*, 16 FCC Rcd at 1949-51.

<sup>13</sup> 47 C.F.R. § 76.66(g)(1). See *DBS Must Carry Report & Order*, 16 FCC Rcd at 1938-45. See also *DBS Must Carry Reconsideration Order*, 16 FCC Rcd 16568-70 (affirming previous holding that selection of an alternative receive facility is based on the vote of the majority of the stations entitled to carriage in each affected market, not just the stations actually electing mandatory carriage).

<sup>14</sup> 47 C.F.R. § 76.66(g)(2). See *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16559-61.

<sup>15</sup> See 47 U.S.C. § 338(f)(1); see also 47 C.F.R. § 76.66(m)(1).

<sup>16</sup> See 47 C.F.R. § 76.66(m)(2).

<sup>17</sup> *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16574.

<sup>18</sup> *Id.* at 16572.

<sup>19</sup> *Id.* at 16573.

station's carriage request.<sup>20</sup> If a satellite carrier provides no response to a must carry election, the 60 day period commences after the time for responding as required by the rule has elapsed.<sup>21</sup> Below, we consider the complaint filed by Station WCLF.

### III. POSITIONS AND DISCUSSION

6. In support of its Complaint, Station WCLF states that EchoStar improperly denied WCLF's election request on signal quality and substantial duplication grounds.<sup>22</sup> WCLF objects to the July 30, 2001, form letter used by EchoStar which indicated that the station "failed to prove [its] signal meets [the] legal standard of quality necessary for mandatory carriage" and that the carrier "ha[d] reason to believe that [WCLF] 'substantially duplicates' the signal of another station assigned to [its] DMA."<sup>23</sup> WCLF asserts that in the *DBS Must Carry Reconsideration Order* the Commission found that the use of form letter denials, such as that used here by EchoStar, do not comply with the Commission's DBS must carry rules.<sup>24</sup> Specifically, WCLF criticizes the denial letter it received in so far as it (1) does not provide a reasonable basis for denial, and (2) requires WCLF to prove the existence of a good quality signal, and the non-existence of substantial duplication, as a prerequisite to carriage.<sup>25</sup>

7. We note that WCLF responded to EchoStar's denial letter by indicating its belief that it was not required to provide proof of its signal strength to EchoStar in order to gain carriage.<sup>26</sup> WCLF argued that, in any event, the proximity of WCLF's transmitter site to EchoStar's local receive facility (approximately 26 miles) precluded any signal strength issues.<sup>27</sup> WCLF further maintained that it did not duplicate any stations in its market and requested that the carrier identify the station(s) that it believed were subject to duplication.<sup>28</sup> In its Complaint, WCLF contends it never received any specific information on potentially duplicating stations from EchoStar, and that the station was improperly asked to perform a duplication analysis with respect to every independent station within its market.<sup>29</sup> WCLF

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<sup>20</sup> See 47 C.F.R. § 76.66(m)(6); *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16574. A television station seeking a finding on the facts and a resulting determination of whether it is entitled to carriage pursuant to Section 76.66 of our rules may file a complaint with the Commission. If, however, a television station that is not being carried seeks damages or other form of monetary or injunctive relief under Section 338(a) of the Act or Section 501(f) of the Copyright Act, then the United States District Court is the exclusive forum for adjudicating the merits of its claim. *DBS Must Carry Report & Order*, 16 FCC Rcd at 1974.

<sup>21</sup> See *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16574.

<sup>22</sup> Complaint at 2.

<sup>23</sup> See *id.* at Exhibit C.

<sup>24</sup> *Id.* at 5-6; see *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16573.

<sup>25</sup> Complaint at 2, 4-8.

<sup>26</sup> *Id.* at 3, Exhibit D; see also Opposition at Exhibit A. WCLF indicated in its response to EchoStar that while it did not believe that it was required to provide proof of its signal strength to EchoStar in order to gain carriage, it would attempt to do so. Complaint at Exhibit D; Opposition at Exhibit A. WCLF also offered, in the alternative, to deliver its signal via fiber to EchoStar's local receive facility. *Id.* Although WCLF was not required to pursue either of these alternatives, we note that the record indicates that the station did not follow through on either course of action.

<sup>27</sup> Complaint at Exhibit D; Opposition at Exhibit A. In its Complaint, WCLF states that EchoStar's local receive facility lies within WCLF's city grade contour, a fact we earlier found to be suggestive of the availability of a good quality signal absent the presence of any barrier to signal reception. Complaint at 6; see *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at n.192.

<sup>28</sup> Complaint at 6-8, Exhibit D; see also Opposition at Exhibit A.

<sup>29</sup> Complaint at 7, Exhibit E; see also Opposition at Exhibit B.

asks that the Commission impose sanctions upon EchoStar for failure to act in the public interest.<sup>30</sup>

8. In its Opposition, EchoStar maintains that it had a reasonable, good faith basis for denying WCLF's election request.<sup>31</sup> EchoStar argues that the 26 mile distance between its local receive facility and WCLF's UHF transmitter raises a substantial question as to the quality of its signal strength.<sup>32</sup> In addition, EchoStar performed an engineering survey on March 22, 2001, which indicated WCLF's signal strength was at -56.15 dBm, 11.15 dBm below the minimum -45 dBm threshold for UHF stations.<sup>33</sup> EchoStar points out that WCLF did not participate in a subsequent signal strength test that the carrier had scheduled for the station, or provide evidence of its own test results establishing a good quality signal.<sup>34</sup> We note that, following the release of our *DBS Must Carry Reconsideration Order*, the carrier rescinded its earlier denial of WCLF's election request in a September 12, 2001, letter which simultaneously reinstated its denial solely on signal strength grounds, citing its earlier test results in support.<sup>35</sup>

9. In reply, WCLF states that neither denial letter by EchoStar meets the requirements established in the *DBS Must Carry Report & Order* and *DBS Must Carry Reconsideration Order*.<sup>36</sup> WCLF reiterates its earlier arguments regarding the form of EchoStar's first denial letter and rejects the carrier's use of the distance between WCLF's transmitter and EchoStar's local receive facility as a post-hoc justification for either of its denials.<sup>37</sup> WCLF also challenges the validity of the signal survey performed by EchoStar in March 2001, as not having used sound engineering practices.<sup>38</sup> As such, WCLF argues that these signal survey results cannot substantiate EchoStar's second denial letter.<sup>39</sup> Instead, the station indicates that it performed its own signal test at a location approximately 500 feet from EchoStar's local receive facility which indicated that WCLF did in fact provide a good quality

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<sup>30</sup> Complaint at 8-9.

<sup>31</sup> Opposition at 2.

<sup>32</sup> *Id.* at 3.

<sup>33</sup> *Id.* at 4. The survey report also indicated that a large building blocks the line-of-site from EchoStar's local receive facility to WCLF's transmitter. *Id.* at 4, Exhibit E.

<sup>34</sup> *Id.* at 3-4. In correspondence between the parties following EchoStar's initial denial letter, EchoStar asked that WCLF either: (1) provide evidence that it transmits a good quality signal over-the-air, (2) elect to deliver its signal to EchoStar's local receive facility via fiber, or (3) perform a signal strength test at EchoStar's local receive facility at a time to be scheduled by the carrier. Opposition at Exhibit B; Complaint at Exhibit E. EchoStar also requested that WCLF provide the carrier with programming information regarding WCLF and other independent stations in its market sufficient to demonstrate the lack of substantial duplication. *Id.*

<sup>35</sup> Opposition at 5 and Exhibit F; *see also* Reply at Exhibit A. According to WCLF, it had not received EchoStar's September 12, 2001, letter until after the station filed its Complaint in this matter. Reply at n.6.

<sup>36</sup> Reply at 1.

<sup>37</sup> *Id.* at 2.

<sup>38</sup> The grounds upon which WCLF criticizes EchoStar's test include: (1) failure to indicate the point of measurement and include a diagram of it; (2) failure to include a description of the methodology used for processing the signal; (3) failure to list the model numbers, manufacturing and calibration dates and ages of the equipment used; (4) failure to describe the equipment used, including the antenna range, radiation pattern and the bearing of the antenna's orientation; (5) failure to make multiple readings after the initial reading was less than -51 dBm; (6) use of an inappropriate dipole antenna; and (7) failure to describe in detail the buildings which allegedly block the line of sight from the local receive facility to WCLF's transmitter. *Id.* at 4-5, 7-9.

<sup>39</sup> *Id.* at 5.

signal over-the-air.<sup>40</sup> WCLF also contends that the rescission by EchoStar of its substantial duplication grounds for denial is undercut by the carrier's express reservation of its right to renew such denial following additional programming analysis.<sup>41</sup>

10. As an initial matter, we note the rescission by EchoStar of its substantial duplication grounds for denial and therefore need not reach the merits on this point.<sup>42</sup> We also need not address the deficiencies of EchoStar's initial form denial letter. We believe that our discussion of this issue in the *DBS Must Carry Reconsideration Order* sufficiently outlined our expectations regarding the form and content of must carry denial letters.<sup>43</sup> We accept that EchoStar's September 12, 2001, denial letter, which was sent following the release of our *DBS Must Carry Reconsideration Order*, represents an attempt to bring its initial denial letter into compliance with these expectations.<sup>44</sup>

11. Based upon the record before us, we find that there is no dispute that EchoStar is providing local-into-local service in the Tampa-St. Petersburg-Sarasota, FL market and that WCLF is a television station broadcasting within that market. WCLF made a timely must carry election. In light of these facts, and given the rescission by EchoStar of its substantial duplication objection, the only remaining issue with respect to WCLF's carriage rights is that of signal quality.

12. While satellite carriers are not required under our rules to perform signal tests in response to requests for mandatory carriage, they are required to "have a reasonable basis for a denial of carriage and to convey that information to the broadcast station affected."<sup>45</sup> This reasonable basis may be premised upon any number of factors, so long as "based upon a knowledge of the facts and circumstances involved, there are engineering reasons for doubting that a good quality signal is likely to be available."<sup>46</sup> In certain circumstances, a satellite carrier may choose to perform a signal survey in order to establish a reasonable basis for denial.<sup>47</sup>

13. WCLF contends that it is entitled to immediate carriage because EchoStar rejected its request for carriage without a reasonable, good faith basis for doing so. We do not agree with WCLF for two reasons. First, because we have no basis upon which to determine whether WCLF is delivering a good quality signal to EchoStar's local receive facility, we cannot order immediate carriage. The statute

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<sup>40</sup> The test results indicated that WCLF's off-air signal is -37 dBm, 7 dBm above the minimum signal strength required for UHF stations. *Id.* at 9, Exhibit C.

<sup>41</sup> *Id.* at 3 n.4.

<sup>42</sup> We anticipate that in future election periods satellite carriers will fully state their grounds for denial and the underlying reasonable bases in a single correspondence and need not reserve certain grounds for later analysis.

<sup>43</sup> *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16573.

<sup>44</sup> In its September 12, 2001, letter, EchoStar based its denial on signal strength grounds, stating that WCLF's "signal strength as received at the designated local receive facility falls below the objective signal strength threshold mandated by federal regulations ... based upon an initial survey of your station's signal by EchoStar utilizing sound engineering practices." Opposition at Exhibit F; Reply at Exhibit A. The referenced survey was performed by EchoStar on March 22, 2001, at its local receive facility. Opposition at Exhibit E.

<sup>45</sup> *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16572.

<sup>46</sup> We previously stated that a carrier could, *inter alia*, rely on such factors as an Individual Location Longley-Rice computer model, the distance between the station transmitter and the local receive facility, or intervening terrain in establishing a reasonable basis for denial on signal strength grounds. *Id.* at 16572-73.

<sup>47</sup> For example, we noted in our *DBS Must Carry Reconsideration Order* that where a local receive facility is within a station's City Grade or Grade A service area (as in the current case), and there is no recognized physical barrier to signal reception, the satellite carrier would likely not have a reasonable basis to deny carriage on signal strength grounds, unless it performed a signal test at its local receive facility. *Id.* at n.192.

and our rules are clear that the burden is on the television station to deliver, or pay the costs of delivering, a good quality signal. Because the station's own signal test was conducted 500 feet from the local receive facility, we have no evidence that the station is currently delivering a good quality signal to the local receive facility. Second, while we concur that EchoStar's signal survey does not comport with our formal testing standards for signal strength disputes, the purpose of EchoStar's signal survey was to establish a reasonable basis for denial, not settle a signal strength dispute. For reasonable basis purposes, a carrier need only establish engineering reasons for doubting the availability of a good quality signal, not disprove its existence by means of a formal signal strength test. Taking the record as a whole, we believe that EchoStar had reason to doubt the availability of a good quality signal at its local receive facility, and the station has, as yet, failed to demonstrate that it is delivering a good quality signal.

14. Section 338 is clear that a television station asserting its right to carriage under the section is required to bear the costs associated with delivering a good quality signal to the local receive facility of the satellite carrier.<sup>48</sup> The Commission has noted that, attendant to this requirement, the burden is on the broadcast station seeking carriage to prove to the satellite carrier that its signal is of good quality as that term is defined in the rules.<sup>49</sup> A broadcaster, however, can only be required to undertake this burden where there exists a good-faith dispute over signal quality.<sup>50</sup>

15. Once EchoStar established a reasonable basis supporting its denial, we conclude that there was a good-faith dispute regarding WCLF's signal quality. As a result, the burden remains on WCLF to "pay the costs of signal tests if necessary to prove that the signal is of good quality."<sup>51</sup> The Commission has noted that the station also "has the opportunity to improve its over-the-air signal or arrange alternative means of delivery."<sup>52</sup> While WCLF did conduct its own signal test, we are unable to accept the test results since the procedure was performed at a location approximately 500 feet from the local receive facility.<sup>53</sup> We also note that the station at one time proposed to deliver its signal via fiber, but did not pursue this course of action.<sup>54</sup> WCLF may still perfect its carriage rights by either: (1) establishing that it currently provides a good quality signal to EchoStar's local receive facility, (2) improving its over-the-air signal, or (3) arranging the delivery of its signal through alternative means. Should WCLF wish to perform a new signal test to demonstrate that it provides a good quality signal to EchoStar's local receive facility, the carrier shall provide the station with reasonable access to the facility for testing purposes. Evidence of adequate signal strength must comply with the measurement practices set forth in the *DBS Must Carry Order* and the station shall be responsible for all costs associated with testing.<sup>55</sup>

16. In the *DBS Must Carry Reconsideration Order* we found that, in the context of DBS carriers' commencement of mandatory carriage, 75 days is a reasonable time frame within which a satellite carrier could arrange for carriage of a station following delivery of a good quality signal from a

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<sup>48</sup> 47 U.S.C. § 338(b)(1).

<sup>49</sup> *DBS Must Carry Order*, 16 FCC Rcd at n.163; *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at n.196.

<sup>50</sup> *Id.*

<sup>51</sup> *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16572.

<sup>52</sup> *Id.* at 16573.

<sup>53</sup> Reply at Exhibit C.

<sup>54</sup> See Complaint at Exhibit D; Opposition at Exhibit A.

<sup>55</sup> *DBS Must Carry Order*, 16 FCC Rcd at 1947; see also *Implementation of the Cable Television Consumer Protection and Competition Act of 1992: Broadcast Signal Carriage Issues*, 9 FCC Rcd 6723, 6735-36 (1994); *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16572.

broadcaster.<sup>56</sup> Accordingly, we find that WCLF is entitled to mandatory carriage on EchoStar's satellite system within 75 days of delivering a good quality signal to EchoStar's local receive facility.

#### IV. ORDERING CLAUSES

17. Accordingly, **IT IS ORDERED**, pursuant to Section 338 of the Communications Act, as amended, 47 U.S.C. § 338, and Section 76.66 of the Commission's rules, 47 C.F.R. § 76.66, that the must carry complaint filed by Christian Television Corporation, licensee of commercial television station WCLF, Clearwater, FL, against EchoStar Satellite Corporation **IS GRANTED**, to the extent indicated herein, and is otherwise **DENIED**.

18. **IT IS FURTHER ORDERED** that EchoStar shall commence carriage of Station WCLF's signal within 75 days from the date on which WCLF provides a good quality signal to EchoStar's local receive facility.

19. This action is taken by the Deputy Chief, Cable Services Bureau, pursuant to authority delegated by Section 0.321 of the Commission's rules, 47 C.F.R. § 0.321.

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson  
Deputy Chief, Cable Services Bureau

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<sup>56</sup> *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at n.198.